

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:12-cv-00561-MOC-DCK

CONSTANCE VIOLA,

Plaintiff,

Vs.

BROCK & SCOTT, PLLC, et al.,

Defendants.

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ORDER

THIS MATTER is before the court on review of its warning to plaintiff concerning her failure to serve defendant within the time allowed. On December 8, 2012, the court advised plaintiff, as follows:

Advice to Plaintiff

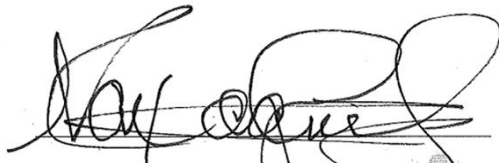
In accordance with Rule 4(m), Federal Rules of Civil Procedure, plaintiff is advised that she has until December 27, 2012, to serve the remaining defendants --Brock & Scott, PLLC, Allan Martin, Andrew Rowlands, American Home Closings, Inc., and Franklin American Mortgage Company-- and to file proof of such timely service with the court. She is further advised that failure to serve these defendants and file proof of such service as required could result in dismissal of this action as to the remaining defendants for lack of prosecution under Rules 4(m) and 41(b).

Order (#10) at 3. Such deadline ran more than five months ago and plaintiff has made no effort to provide the court with any proof of service or otherwise respond to the court's Order. It appearing that plaintiff has abandoned prosecution of this case, which will now be dismissed for failure to comply with Rules 4(m) and 41(b), Federal Rules of Civil Procedure.

ORDER

IT IS, THEREFORE, ORDERED that this action is **DISMISSED** for failure to prosecute.

Signed: June 20, 2013



Max O. Cogburn Jr.
United States District Judge